

**MEDICAL EXAMINING BOARD
OCTOBER 20, 2004
MEETING MINUTES**

PRESENT: Alfred Franger, MD; Lief Erickson, MD; Jon Gudeman, MD; Sujatha Kailas, MD; Jack Lockhart, MD; Daniel Miota, DO; Ian Munro, MD; Gene Musser, MD; Bhupinder Saini, MD; and Virginia Heinemann

STAFF: Tom Ryan, Bureau Director; Colleen Baird, DRL Board Counsel; Kevin Murphy, Bureau Assistant; and DOE Staff for portions of the meeting.

GUESTS: Mark Grapentine, WMS

CALL TO ORDER

Chair Alfred Franger called the meeting to order at 8:05 a.m.

APPROVAL OF AGENDA

Additions:

Six stipulations added under "Deliberation of proposed stipulations after mailing of agenda."
A Respiratory Care Practitioner application added under "Application issues."
Additional correspondence to supplement Item Q.

Deletions:

Strike "Presentation of proposed decision and order in the matter of disciplinary proceedings against Khalil S. Baroud, MD."

MOTION: Dr. Erickson moved, seconded by Dr. Musser, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 15, 2004

MOTION: Dr. Gudeman moved, seconded by Dr. Musser, to approve the minutes as drafted. Motion carried unanimously.

REPORT OF SCREENING PANEL

Dr. Franger reported that of the 63 cases screened 14 were opened, 48 were closed, and one is awaiting more information.

ADMINISTRATIVE REPORT

Wis. Admin. Code § 4.01, 4.07, 4.08, 4.09

The Bureau Director explained the newly promulgated Departmental rule regarding fingerprinting and background checks.

PERFUSIONIST EXAMINING COUNCIL – CONSIDERATION OF APPOINTMENT – GARY R. HAWKINS, JR.

MOTION: Dr. Musser moved, seconded by Dr. Erickson, to appoint Gary R. Hawkins, Jr. to the Perfusionist Examining Council. Motion carried unanimously.

Dr. Miota arrived at 8:20 a.m.

REMEDIAL EDUCATION PROGRAM – PRESENTATION BY ERIC CALLISTO, ADMINISTRATOR, DIVISION OF ENFORCEMENT

Mr. Callisto outlined DOE's proposal for remedial education, noting its effectiveness as a tool of rehabilitation. After Mr. Callisto answered questions from the Board regarding its implementation, the Board offered the following motion:

MOTION: Dr. Gudeman moved, seconded by Dr. Lockhart, to approve the October 20, 2004 remedial education proposal outlined by Mr. Callisto. Motion carried unanimously.

FSMB PAIN MANAGEMENT WORKSHOPS – MOTIONS FOR TRAVEL

MOTION: Ms. Heinemann moved, seconded by Dr. Kailas, to designate Dr. Saini, Dr. Miota, and a representative of the Board or Department to attend an FSMB Pain Management Workshop. Motion carried unanimously.

PRESENTATION OF STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST MARK G. REUTER, MD, BY SHARON HENES – CASE ADVISOR, DR. ERICKSON

Sharon Henes presented the proposed stipulation, final decision and order in the matter of Mark G. Reuter, MD. This matter will be deliberated on in closed session.

PRESENTATION OF STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF MYRON M. MARLETT, MD, BY ATTORNEY ARTHUR THEXTON – CASE ADVISOR, DR. ERICKSON

DOE Attorney Arthur Thexton presented the stipulation, final decision and order in the matter of Myron M. Marlett, MD. This matter will be deliberated on in closed session.

**PRESENTATION OF STIPULATION, FINAL DECISION AND ORDER IN THE
MATTER OF REBECCA L. FREER, MD, BY ATTORNEY ARTHUR THEXTON –
CASE ADVISOR, DR. MUNRO**

DOE Attorney Arthur Thexton presented the stipulation, final decision and order in the matter of Rebecca L. Freer, MD. This matter will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN
THE MATTER OF DONNAN L. CHRISTENSEN, MD, BY ATTORNEY MICHAEL
BERNDT – CASE ADVISOR, DR. MUNRO**

DOE Attorney Michael Berndt presented the proposed stipulation, final decision and order in the matter of Donnan L. Christensen, MD. This matter will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN
THE MATTERS OF SHANU KOTHARI, MD, NIRAV PATEL, MD, AND THOMAS
SCHROEPPPEL, MD BY ATTORNEY GILBERT LUBCKE – CASE ADVISOR, DR.
MIOTA**

DOE Attorney Gilbert Lubcke presented the proposed stipulation, final decision and order in the matters of Shanu Kothari, MD, Nirav Patel, MD, and Thomas Schroeppele, MD. These matters will be deliberated on in closed session.

INFORMATIONAL ITEMS

Noted.

CLOSED SESSION

MOTION: Dr. Miota moved, seconded by Dr. Erickson, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Motion carried unanimously in a roll call vote. Franger—yes; Erickson—yes; Gudeman—yes; Heinemann—yes; Kailas—yes; Lockhart—yes; Miota—yes; Munro—yes; Musser—yes; Saini—yes.

The Board convened into closed session at 9:15 a.m.

OPEN SESSION

MOTION: Dr. Miota moved, seconded by Ms. Heinemann, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 1:00 p.m.

VOTING ON ITEMS DELIBERATED ON IN CLOSED SESSION

DELIBERATION OF STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST MARK G. REUTER, MD – CASE ADVISOR, DR. ERICKSON

MOTION: Dr. Musser moved, seconded by Dr. Miota, to adopt the stipulation, final decision and order in the matter of Mark G. Reuter, MD. Motion carried unanimously.

DELIBERATION OF PROPOSED DECISION AND ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST KHALIL S. BAROUD, MD.

MOTION: Dr. Musser moved, seconded by Dr. Saini, to accept the findings of fact in the matter of Khalil Baroud, MD. Motion carried unanimously.

MOTION: Ms. Heinemann moved, seconded by Dr. Miota to accept the conclusions of law in the matter of Khalil Baroud, MD. Motion carried unanimously.

MOTION: Dr. Erickson moved, seconded by Dr. Munro to adopt the Administrative Law Judge's proposed decision and order in the matter of Khalil Baroud, MD. Motion carried unanimously.

CONSIDERATION OF ORDER FIXING COSTS IN THE MATTER OF STUART M. SUSTER, MD – CASE ADVISOR, DR. BHUPINDER SAINI

MOTION: Dr. Musser moved, seconded by Dr. Miota, to adopt the order fixing costs in the matter of Stuart M. Suster, MD. Dr. Saini abstained from deliberation and voting. Motion carried.

CONSIDERATION OF COMPLAINT IN THE MATTER OF 01 MED 320 – CASE ADVISOR, DR. LOCKHART

MOTION: Dr. Saini moved, seconded by Ms. Heinemann, to find probable cause and issue a complaint in the matter of 01 MED 320. Drs. Kailas and Lockhart abstained. Motion carried.

**CONSIDERATION OF COMPLAINT IN THE MATTER OF 01 MED 225 – CASE
ADVISOR, DR. SAINI**

MOTION: Dr. Kailas moved, seconded by Dr. Gudeman, to find probable cause and issue a complaint in the matter of 01 MED 225. Drs. Saini and Musser abstained. Motion carried.

**DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN
THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST MYRON M.
MARLETT, MD – CASE ADVISOR, DR. ERICKSON**

MOTION: Dr. Saini moved, seconded by Dr. Miota, to adopt the findings of fact, conclusions of law, and the stipulation, final decision and order in the matter of Myron M. Marlett, MD. Drs. Kailas and Erickson abstained. Motion carried.

CAROLYN LAMONICA, MD – PETITION FOR RECONSIDERATION

MOTION: Ms. Heinemann moved, seconded by Dr. Miota, to reaffirm the September 15, 2004 motion in the matter of Carolyn LaMonica. Motion failed.

MOTION: Dr. Gudeman moved, seconded by Dr. Munro, to withdraw the restrictions placed on Dr. LaMonica's license if she will voluntarily enter the Impaired Professional Program for two years. The program will include the usual urine screening, counseling, group meeting, and sponsor requirements. Motion carried unanimously.

**PETER CHAMBERS, MD – REQUEST FOR RECONSIDERATION OF
ADMINISTRATIVE WARNING**

After a brief presentation by Dr. Chambers and his attorney and a rebuttal from DOE Attorney Jack Zwieg, the Board offered the following motion:

MOTION: Dr. Munro moved, seconded by Dr. Saini, to rescind the administrative warning and recommend that the case be closed in the matter of Peter Chambers. Dr. Musser opposed the motion. Motion carried.

**DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN
THE MATTER OF REBECCA L. FREER, MD – CASE ADVISOR, DR. MUNRO**

MOTION: Dr. Saini moved, seconded by Ms. Heinemann, to adopt the findings of fact, conclusions of law, and the stipulation, final decision and order in the matter of Rebecca L. Freer. Dr. Munro abstained from deliberation and voting. Motion carried.

DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF DONNAN L. CHRISTENSEN, MD – CASE ADVISOR, DR. MUNRO

MOTION: Dr. Erickson moved, seconded by Dr. Saini, to adopt the stipulation, final decision and order in the matter of Donnan L. Christensen, MD. Dr. Munro abstained from deliberation and voting. Motion carried.

DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE MATTERS OF SHANU KOTHARI, MD, NIRAV PATEL, MD, AND THOMAS SCHROEPPLE, MD – CASE ADVISOR, DR. MIOTA

MOTION: Dr. Saini moved, seconded by Dr. Musser, to adopt the stipulation, final decision and order in the matters of Shanu Kothari, MD, Nirav Patel, MD, and Thomas Schroeppele, MD. Drs. Kothari, Patel and Schroeppele will receive credit for the education courses already completed. Drs. Lockhart and Miota abstained from deliberations and voting. Motion carried.

REQUEST FOR RE-REGISTRATION OF LICENSE – PETER FARR, MD

MOTION: Dr. Musser moved, seconded by Dr. Gudeman, to defer action on Dr. Farr's request pending his appearance before the full Board at a future meeting. Motion carried unanimously.

REQUEST FOR RE-REGISTRATION OF LICENSE AND WAIVER OF CME REQUIREMENT – JOHN MCVEY, MD

MOTION: Dr. Musser moved, seconded by Dr. Miota, to deny John McVey's request to waive CME requirements. Motion carried unanimously.

MOTION: Dr. Gudeman moved, seconded by Dr. Miota, to limit Dr. McVey's license with a four-year monitoring order once and if his application is approved. Motion carried unanimously.

FULL BOARD ORAL EXAMINATION – JOHN BRITT, MD

MOTION: Dr. Lockhart moved, seconded by Dr. Gudeman, to grant a license to John Britt, MD. Motion carried unanimously.

DOE MONITORING:

PETER PARK, MD – REQUEST AN UNRESTRICTED LICENSE AND A VOLUNTARY SURRENDER

MOTION: Dr. Lockhart moved, seconded by Dr. Gudeman, to accept Dr. Park's surrender and to include in the National Practitioner Database that he was compliant with the probation order and that the Wisconsin Medical

Examining Board was satisfied with his performance up until the surrender. Motion carried unanimously.

TIMOTHY STAACKE, MD – REQUEST FOR THREE MONTH STAY AND MODIFICATIONS

MOTION: Dr. Gudeman moved, seconded by Dr. Musser, to deny the request for re-registration but to grant a three month stay of suspension in the matter of Timothy Staacke, MD. Dr. Erickson abstained from deliberation and voting. Motion carried.

RICHARD CLASEN, MD – REQUEST TO DISCUSS REQUIREMENTS

Dr. Clasen was not able to appear before the Board.

RICHARD HELFFRICH, MD – REQUEST FOR THREE MONTH STAY

MOTION: Dr. Miota moved, seconded by Dr. Erickson, to grant a three month stay in the matter of Richard Helffrich, MD. Motion carried unanimously.

KENNETH SPARR, MD – REQUEST FOR THREE MONTH STAY

MOTION: Dr. Miota moved, seconded by Ms. Heinemann, to grant a three month stay in the matter of Kenneth Sparr, MD. Motion carried unanimously.

ROBERT VINCENT – REQUEST FOR THREE MONTH STAY

MOTION: Dr. Gudeman moved, seconded by Dr. Saini, to grant a three month stay in the matter of Robert Vincent, MD. Motion carried unanimously.

ALLAN SCHAWWE, MD – REQUEST FOR FULL REINSTATEMENT

MOTION: Dr. Munro moved, seconded by Dr. Musser, to reinstate the license of Allan Schawe, MD. Motion carried unanimously.

CASE CLOSINGS

MOTION: Dr. Erickson moved, seconded by Dr. Miota, to close case 03 MED 474 for no violation. Dr. Musser abstained from deliberation and voting. Motion carried.

MOTION: Dr. Saini moved, seconded by Ms. Heinemann, to close case 03 MED 525 for no violation. Dr. Munro abstained from deliberation and voting. Motion carried.

MOTION: Dr. Saini moved, seconded by Dr. Erickson, to close case 04 MED 044 for P1. Motion carried unanimously.

MOTION: Dr. Munro moved, seconded by Dr. Gudeman, to close case 03 MED 535 for no violation. Motion carried unanimously.

MOTION: Dr. Saini moved, seconded by Ms. Heinemann, to close case 01 MED 218 for insufficient evidence. Motion carried unanimously.

MOTION: Dr. Musser moved, seconded by Dr. Saini, to close case 03 MED 383 for insufficient evidence. Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Dr. Munro moved, seconded by Dr. Saini, to pre-ratify licenses and certificates. Motion carried unanimously.

RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL – EXAM ISSUES

MOTION: Dr. Saini moved, seconded by Dr. Miota, to validate the Respiratory Care Practitioners Examining Council exam scores from October 12, 2004. Motion carried unanimously.

MOTION: Dr. Munro moved, seconded by Dr. Lockhart, to grant a license to Laura Grennier conditional upon agreement to a 30-day suspension. Motion carried unanimously.

ADJOURNMENT

MOTION: Dr. Saini moved, seconded by Dr. Miota, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 1:25 p.m.

Next Meeting: November 18, 2004